S.B.Criminal Revision Petition No.1301/2007

Hansraj & Ors.
V.
State of Rajasthan

Date of Order :: 3rd December, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. V.K.Mathur, for the petitioners.
Mr. V.R.Mehta, Public Prosecutor.

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By this petition under Section 397 read with 401 Cr.P.C. a challenge is given to the order dated 22.11.2007 passed by learned Additional Sessions Judge (Fast Track) No.3, Hanumangarh accepting an application preferred by the prosecution under Section 319 Cr.P.C. taking cognizance under Sections 307, 323, 341/34 IPC against the petitioners.

The contention of counsel for the petitioners is that the investigating agency after regular investigation submitted the police report wherein the petitioners were not included as accused persons and subsequent thereto learned Magistrate erroneously accepted the application under Section 319 Cr.P.C. and took cognizance of the offences against the petitioners.

I have perused the order impugned and also examined the record available.

Learned Additional Sessions Judge while taking cognizance under the order dated 22.11.2007 specifically stated that the witnesses Jaluram, Mahendra, Daulatram, Ratanlal and Mamraj have stated about involvement of the petitioners in the incident on basis of that criminal case was lodged.

I have gone through the statements of abovenamed persons and also of Raisingh, those were recorded on 27.2.2007 by learned Additional Sessions Judge, from perusal whereof it is apparent that a specific act is assigned to the petitioners, thus, a prima facie case is made out for taking cognizance against the petitioners. No error, therefore, is committed by learned trial court while taking cognizance against the petitioners.

The revision petition is accordingly dismissed.

(GOVIND MATHUR),J.

Kkm/ps.